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## **FORMER MOTIVATIONAL SPEAKER RE-SENTENCED TO 20 YEARS FOR TRANSPORTING CHILD PORNOGRAPHY**

WASHINGTON – Michael Fortino, 47, a motivational speaker whose original prison sentence was recently vacated, was re-sentenced today to 20 years in federal prison for transporting child pornography, Assistant Attorney General Alice S. Fisher of the Criminal Division and U.S. Attorney Robert Balfe for the Western District of Arkansas announced today. Chief United States District Judge Jimm Larry Hendren also ordered Fortino to pay a \$250,000 fine, serve a lifetime of supervised release, and forfeit contraband-containing computer equipment seized in the investigation.

Fortino's re-sentencing arose after the court learned that communications Fortino gave the United States Probation Service in support of leniency were, in fact, fabrications.

Fortino pleaded guilty on Feb. 26, 2007, to one count of transporting child pornography across state lines into the Western District of Arkansas between Oct. 31, 2005, and Nov. 4, 2005. Court documents reflect that the charge stemmed from Fortino's travel across the country as a self-employed author, speaker, and media personality. During these travels, Fortino would often bring his laptop computer with him.

On Nov. 4, 2005, during one such trip from Texas to Fayetteville, Ark., Fortino found that his laptop was not working properly and took it to a Fayetteville Best Buy retail store for repair. Store computer technicians discovered several apparent images of child pornography and alerted local police. Law enforcement's subsequent forensic review of the computer established that Fortino had visited Internet websites containing images of child pornography on multiple occasions and often saved images from those sites to his computer. Hundreds of images of child pornography—some of which involved infants engaged in sexual acts with adults—were ultimately found on the laptop.

During the forensic review, authorities also discovered video files that Fortino made using a hidden video camera he placed in a small room on his personal boat. The videos depicted preteen and teenage girls between the ages of 11 and 16 changing clothes and unaware that they were exposing themselves to Fortino's hidden camera in the process. Fortino refused to help identify these victims, but investigators were eventually able to identify three victims, "Jane Does," who were approximately 11, 13, and 16 years old when Fortino secretly taped them.

Court records reflect that before his Oct. 2, 2007, sentencing hearing, Fortino provided the United States Probation Office with a number of communications that seemingly vouched for his character, requested leniency, and expressed support for him.

One such document was an e-mail reportedly authored by Jane Doe's father, in response to an alleged letter of repentance the victim's parents supposedly received from Fortino. In the supposed e-mail, the victim's family claimed, among other things, that they "were moved" by Fortino's "sincerity," "felt" his "remorse," "believed" that he had "found repentance," forgave him, and would pray that he was "given every consideration for leniency."

A second document -- purportedly written by an Arkansas woman with whom Fortino had fathered a child -- was even more supportive. In that purported letter, the writer characterized Fortino, among other things, as "a good and decent man" who had been "honest and upfront." Furthermore, the writer claimed that Fortino had "accepted full responsibility for his actions" and was "truly remorseful." As with Jane Doe's father's letter, this letter concluded with the request that the court consider giving Fortino leniency.

Fortino also presented the court with several similar letters, appearing to have come from various sources, all of them advocating for leniency in his case.

On Oct. 2, 2007, based on these communications and Fortino's reported cooperation in another case, Chief Judge Hendren sentenced Fortino to 135 months (11 years and 3 months) in federal prison -- the low end of the applicable Federal Sentencing Guidelines range for transporting child pornography after adjustments were made for Fortino's reported cooperation. Fortino was also ordered to serve 20 years of supervised release, pay a \$10,000 fine, and forfeit computer equipment seized in the investigation. The fine was based on financial information Fortino gave the Probation Office.

Shortly after the sentencing hearing, authorities were contacted by the Arkansas woman, who inquired about the Oct. 2, 2007, sentence. At this time, it was determined that the communications Fortino submitted to the Probation Office were likely fabricated. The government further investigated the matter and quickly alerted the court to these irregularities by filing a motion to vacate Fortino's sentence on Oct. 5, 2007.

The court then held an Oct. 9, 2007, hearing to determine whether Fortino's sentence should be vacated. At that hearing, the testimony substantiated that at least two of the supporting documents received by the Probation Office -- the e-mail appearing to come from Jane Doe's father and the correspondence appearing to come from the Arkansas woman -- were fakes. In fact, contrary to what her purported letter claimed, the Arkansas woman reported that she actually wanted Fortino to be sentenced to the maximum penalty available under law. It was also learned that Fortino had also given fraudulent financial information to the Probation Office. Fortino presented no evidence to the contrary.

Based on these events, the court vacated Fortino's sentence on Oct. 9, 2007, and scheduled him to be re-sentenced today. At today's hearing, one of the parents of Jane Doe provided victim-impact testimony about the case and affirmed that the family did not, in fact, send the letter Fortino claimed to have received.

This case was brought as part of Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the U.S. Attorneys Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit <http://www.projectsafechildhood.gov/>.

The case was investigated by the Fayetteville Police Department, with the assistance of the Department of Homeland Security's Bureau of Immigration and Customs Enforcement. The case was prosecuted by Assistant U.S. Attorney Kyra Jenner of the Western District of Arkansas and Trial Attorney Steven Grocki of the Child Exploitation and Obscenity Section of the Department of Justice's Criminal Division.

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